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3 GUILTY IN N.H. KILLING

Agree to testify in widow's trial

By Bob Hohler
GLOBE STAFF

DERRY, N.H. - The guilty pleas of three teen-agers in the murder last year of Gregory Smart are expected to severely hinder the defense of his 23-year-old widow, who is alleged to have plotted her husband's slaying in a case that has gripped New Hampshire and enticed Hollywood producers.

Under plea agreements, the three Seabrook teen-agers have agreed to testify if asked against Pamela Smart in her upcoming trial on a charge of being an accomplice to first-degree murder. If convicted, the former high school media director would face a mandatory sentence of life in prison without parole.

Yesterday, a fourth acquaintance of Pamela Smart, 19-year-old Raymond Fowler of Seabrook, was arraigned in Derry District Court on a charge of attempted murder in connection with the alleged plot. Fowler entered no plea.

On Monday, William Flynn, 16, pleaded guilty to second-degree murder in the May 1, 1990, shooting death of Gregory Smart, a 24-year-old insurance salesman, in the couple's Derry condominium. Patrick (Pete) Randall, 17, and Vance Lattime Jr., 18, pleaded guilty to being accomplices to second-degree murder.



PAMELA SMART ... Trial reset for Feb. 19

Prosecutors recently gained permission from a Rockingham County Superior Court judge to submit as trial evidence a tape recording in which Pamela Smart allegedly acknowledged key details of the plot to kill her husband. The tape came from a body wire worn last June by Smart's student intern, Cecelia Pierce, 16, who has since sold the rights to her story to Hollywood for \$100,000.

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Three teen-agers plead guilty in N.H. murder

■ SMART

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"If I were Pam Smart and her lawyers, I'd be getting nervous right about now," said a criminal defense lawyer who asked not to be identified. "It's one thing to have Cecelia Pierce out there trying to popularize the whole thing. Now you have three very key witnesses, and possibly a fourth, who could prove to be very damaging."

Prosecutors are expected to try to convince the jury that Pamela Smart was having an affair with Flynn and wanted to kill her husband to avoid going through a divorce and to obtain insurance money.

Smart's lawyer, Mark Sisti, said yesterday in a telephone interview that he maintained his original position on the allegations against his client.

"They're garbage," he said.

And when asked whether the plea bargains that may lead to the three teen-agers testifying against his client had hurt his case, he replied: "They're just more people to cross-examine. We'll be ready to try the case; we're looking forward to it."

The four young men charged in the case met Smart as students at

'They're just more people to cross-examine. We'll be ready to try the case; we're looking forward to it.'

MARK SISTI, lawyer for Pamela Smart, when asked about three teen-agers who plea-bargained in murder case

Winnacunnet Regional High School, where she ran the media services department.

Fowler is accused of going with Flynn last April 4 to the Smarts' condominium, where they allegedly planned to wait for Gregory Smart to come home, then kill him with Fowler's knife.

The attempt failed because they got lost trying to find the condominium and arrived after Smart got home, according to a police affidavit supporting a request for an arrest warrant against Fowler.

The affidavit quotes Fowler's cousin, Daniel Blake, 21, of Seabrook, as saying Fowler told him he expected to receive \$1,000 from Pamela Smart for helping to kill her

husband. The document also quotes Lattime as telling police last week that Flynn said Pamela Smart would pay them each \$1,000 for the killing but that the amount later changed to \$500 each.

Assistant Attorney General Paul Maggiotto told Judge Douglas Gray in Rockingham County Superior Court on Monday that Lattime drove Flynn and Randall to the Smarts' condominium on the night of the murder. Flynn and Randall then ransacked the home to make it appear that Gregory Smart had walked in on burglars, Maggiotto told the judge.

When Gregory Smart arrived home soon after, the two ambushed him and, as Randall held Smart's head, Flynn fired a .38-caliber bullet

from close range into the back of Smart's skull, according to Maggiotto. The two then ran to a getaway car, where Lattime and Fowler waited to accompany them back to Seabrook, according to the police affidavit filed in connection with Fowler's arrest.

The next day, Fowler cleaned the gun, which Lattime had taken from his father's collection, the affidavit alleges.

The three teen-agers who pleaded guilty on Monday are to be sentenced after Smart's trial. They face up to life in prison but are expected to receive lesser sentences in exchange for cooperating with authorities.

Fowler would face up to 30 years in prison if he were convicted of attempted murder.

Jury selection in Pamela Smart's trial was scheduled to begin Monday. But her lawyers yesterday filed a motion to postpone the trial until Feb. 19 to give them time to prepare in light of the guilty pleas and Fowler's arrest.

Smart, who is being held without bail at the New Hampshire State Prison for Women in Goffstown, was recently indicted on an additional charge of trying to solicit an inmate at the prison to have Cecelia Pierce

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